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Manl-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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DATE 02-21-2007 BY 60324 AUC BAW/CPB/STP

SECTION 7. MERIT PROMOTION AND PLACEMENT PLAN (MPPP)

7-1 OBJECTIVE

- (1) The objective of this plan is to provide guidance in assuring that all qualified candidates receive fair and equal consideration for support positions based on merit principles. It is based on the premise that the best predictor of future performance is past performance in similar situations and is designed to ensure that the FBI is staffed by the most qualified candidates available.
- (2) Personnel staffing decisions will be based on valid job-related criteria and, except where otherwise provided by law, without regard to and without discrimination because of color, race, religion, national origin, political affiliation, marital status, mental or physical disability, age, sex, or sexual orientation.
- (3) Personnel staffing decisions will be based on job-related criteria without regard to membership or nonmembership in an employee organization; personal favoritism; or in reprisal for the lawful disclosure of information in "whistleblower" situations.
- (4) The standards outlined address policies and procedures necessary to operate an effective merit system for the staffing of support positions consistent with the requirements of the "Uniform Guidelines on Employee Selection Procedures," Section 50.14, Title 28, United States Code of Federal Regulations.
- (5) This plan is applicable for the staffing of positions in the FBI excluding those classified in occupational series 1811, attorney positions, positions in the Senior Executive Service and positions at the Executive Level.

7-2 DEFINITION OF TERMS

- (1) **ABILITY (KSAO):** The power to perform an observable activity or behavior which results in an observable product or consequence.
- (2) **ALL-SOURCE APPLICANT:** Any applicant, usually an individual not employed by the federal government, such as a private sector employee, military member or student.
- (3) **ALL-SOURCE CERTIFICATE:** A list of all-source candidates who have been rated and ranked and afforded veterans' preference. Referred to as "Certificate of Eligibles" in the competitive service.
- (4) **AREA OF CONSIDERATION:** An area in which an intensive search for eligible candidates for a specific vacancy is made. The area of consideration is decided by management and human resource personnel based on the needs of the FBI. It must be broad enough to produce a sufficient number of well-qualified candidates and meet EEO objectives.
- (5) **BEST-QUALIFIED LIST:** A group of federal candidates who, when measured by appropriate procedures, possess the critical knowledge, skills, abilities and other characteristics (KSAs) to a greater degree than other candidates eligible for the position.

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(6) CAREER LADDER: The grade levels through which an employee may advance to the full level of the position to which appointed or assigned; it provides progressively more responsible experience and noncompetitive promotion potential for incumbents up to the designated full level.

(7) CAREER PATH: Range of career progression opportunities available to a particular occupational group within an organization. Career paths include not only the classified career ladders of individual positions, but other positions for upward, lateral, or downward movement into different positions.

(8) CHANGE TO LOWER GRADE: A change of an employee to a job or grade level with a lower representative rate. An action resulting in a reduction in grade. A change to lower grade can occur as a result of a competitive selection procedure, an adverse action or at the request of an employee. It may or may not result in a decrease in pay.

(9) COMPETITIVE SELECTION PROCEDURES: Procedures that allow for advertisement of a position, evaluation of qualifications and selection of a candidate(s) for a position. A competitive procedure could result in a noncompetitive action (i.e., reassignment, change to lower grade).

(10) CONVERTED SCORE: The rating of an all-source candidate that has been converted to a 100-point scale.

(11) CREDITING PLAN: Education, training and experience examples for each knowledge, skill, ability or other characteristic (KSAO) which serves as a gauge by which a candidate is compared and evaluated.

(12) DETAIL: A temporary assignment of an employee to a different position not to exceed a specific period of time with the employee returning to his/her regular duties at the end of the detail. A position is not filled by a detail, as the employee continues to be the incumbent of the position from which detailed. The employee should be eligible and qualified for any position to which he/she is detailed. Details of more than 120 days to either a higher graded position or a position with greater promotion potential require competitive staffing procedures.

(13) ELIGIBLE CANDIDATE: Applicant who is within the published area of consideration and who meets the established minimum qualification standards for the position and any other applicable legal or regulatory provisions.

(14) FEDERAL APPLICANT: Applicant who is currently an employee of the federal government or who is eligible for reinstatement. (Includes FBI candidates.)

(15) FULL PERFORMANCE LEVEL (FPL): The highest grade/level of regular and recurring work identified and classified in a particular career ladder. In cases where a position is advertised at a grade/level less than the FPL, the employee who is placed in the position will have noncompetitive promotion potential to the FPL.

(16) FUNDED STAFFING LEVEL: The number of work years which a division/office is authorized, as determined by the Resource Management and Allocation Board.

(17) GENERAL EXPERIENCE: Experience that is usually required at grade levels where the knowledge and skills needed to perform the duties of a specific position are not a prerequisite, but where applicants must have demonstrated the ability to acquire the particular knowledge and skills.

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(18) **GRIEVANCE:** A formal protest by an employee, or by a group of employees acting as individuals, for personal relief in a matter of concern or dissatisfaction relating to the employment of an individual(s) which is subject to control by the FBI. Personal relief is a specific remedy directly benefitting or affecting the grievant(s), but does not include a request for discipline or other action affecting another employee.

(19) **INTERVIEW:** A method of evaluating a candidate to determine if he/she possesses the essential knowledge, skills, abilities or other characteristics needed to perform a job.

(20) **JOB ANALYSIS:** A systematic and documented statement of essential work functions and KSAOs relevant to the position.

(21) **JOB RELATED:** Factors determined through a job analysis to be necessary for acceptable job performance.

(22) **KNOWLEDGE (KSAO):** A body of information, usually of a factual or procedural nature, which, when applied, makes acceptable performance on the job possible.

(23) **KSAO:** Knowledge, skill, ability or other characteristic rated/evaluated after minimum qualifications.

(24) **LOCAL COMMUTING AREA:** The geographic area surrounding a work site that encompasses the localities where people live and reasonably can be expected to travel back and forth daily to work, as established by the FBI based on the generally held expectations of the local community. The area is usually within a 50- mile radius of where a position vacancy exists.

(25) **MERIT SYSTEM:** A system of identification, qualification, evaluation and selection based solely on merit factors (i.e., on the basis of relative ability, knowledge and skills), without regard to political affiliation, race, color, religion, national origin, sex, sexual orientation, marital status, parental status, nondisqualifying disability, reprisal, or age.

(26) **MERIT SYSTEM PRINCIPLES:** Standards by which the federal government operates to ensure that the government has the best possible employees, that they are treated fairly, and that all employees will have the opportunity to go as far as their abilities will take them. This means that whenever anyone is hired, promoted, fired, demoted, or affected by any other type of personnel action, the action in question must be on the basis of the individual's own ability and performance. These principles governing personnel practices were enacted into law: Title 5, United States Code, Section 2301 (b).

(27) **MINIMUM QUALIFICATIONS:** Requirements for a job which the employer deems as so basic and essential that only candidates who meet these requirements are considered for further processing. Minimum qualifications also include any appropriate selective placement factors and positive education requirements.

(28) **NONCOMPETITIVE STAFFING ACTION:** Filling a position without using competitive procedures.

(29) **OTHER CHARACTERISTIC (KSAO):** A personal characteristic, aptitude, physical or mental trait needed to do the work.

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- (30) **PLACEMENT:** The assignment of a new employee to a position or the movement of an employee from one position to another.
- (31) **PROMOTION:** A change of an employee to a job or grade level with a higher representative rate than his/her current grade or retained grade, if applicable.
- (32) **RANKING:** Placing all-source candidates on an All- Source Certificate in order of their veterans' preference category and converted score.
- (33) **RATING:** The evaluation of minimally qualified candidates' experience by use of an approved crediting plan. The score the candidate receives is his/her rating. All-source candidates' ratings are converted to a 100-point scale.
- (34) **RATING FACTORS:** KSAOs that identify the better candidates from a group of individuals determined to be at least minimally qualified for a position.
- (35) **REASONABLE ACCOMMODATION:** Modifications or adjustments to a job, the work environment, or the way things are usually done, that will enable a qualified individual with a disability to attain the same level of performance or to enjoy equal benefits and privileges of employment as are available to a similarly situated employee without a disability.
- (36) **REASSIGNMENT:** A change of an employee from one position to another with no change in grade level. The employee must be eligible and qualified for any position to which he/she is reassigned. A noncompetitive reassignment may not place the employee in a position with greater promotion potential than his/her current position.
- (37) **REEMPLOYMENT RIGHTS:** The statutory, regulatory or administrative obligation (including military restoration rights) that requires the FBI to rehire an individual and place him/her in a position.
- (38) **REINSTATEMENT:** The noncompetitive reemployment of an FBI or other qualified former federal employee into a position at the same or lower grade level and occupational classification as the one the employee previously held.
- (39) **REPRESENTATIVE RATE:** The going rate of pay, i.e., the rate or step keyed to the prevailing rate determination; the fourth step on the General Schedule (GS); or the second rate on a five rate regular wage schedule (Federal Wage Schedule (WG)).
- (40) **RULE OF 3:** Three highest-ranked available candidates on the All-Source Certificate, listed according to veterans' preference category and rating. Selecting Officials are limited to making a selection using the Rule of 3, in accordance with the regulations in Title 5, Code of Federal Regulations (CFR), Part 302.
- (41) **SELECTING OFFICIAL:** A supervisor or manager designated by head of office/division or his/her designee who is responsible for selecting/recommending an individual for a staffing action.
- (42) **SELECTION PROCEDURE:** Any measure, combination of measures or procedures used as a basis for a staffing decision.
- (43) **SELECTIVE PLACEMENT FACTOR:** An element found to be essential to acceptable performance in a job to be filled, which is in addition to or more specific than the minimum

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qualification standard. This element thus becomes a minimum qualification for the position and only candidates who meet this requirement are considered for further processing. For example, a position in a particular location may require knowledge of a language other than English.

(44) SKILL (KSAO): An art, trade or technique, particularly one requiring the use of the hands or body. A skill can be observed, quantified and improved with practice or training.

(45) SPECIALIZED EXPERIENCE: Experience that has equipped the applicant with the particular knowledge, skills and abilities to perform successfully the duties of the position and is typically in or related to the work of the position to be filled. It is usually required for positions above the entry level where applicants must have demonstrated they possess the ability to perform successfully the duties of the position after a normal orientation period.

(46) STAFFING ACTION: A step-by-step procedure conducted in accordance with merit principles through which an individual is identified, considered, selected and assigned to a position.

(47) SUBJECT MATTER EXPERTS (SMEs): A group of persons thoroughly knowledgeable about the duties and responsibilities of a job. Management, with the assistance of human resource personnel, will be responsible for identifying SMEs.

(48) TEMPORARY PROMOTION: A nonpermanent promotion of an employee to a higher grade level for a specified period of time, not less than 60 days nor more than one year in duration. The employee must be eligible and qualified for any position to which he/she is temporarily promoted.

(49) TERM PROMOTION: A nonpermanent promotion of an employee to a higher grade level for a defined period of time, not less than 120 days or more than three years in duration, to handle a specific assignment, project or duties and responsibilities which can be accomplished within that time frame. The employee must be eligible and qualified for any position to which he/she is temporarily promoted.

(50) TEST: Any written, performance or work simulation test or exercise used to measure a job-related knowledge, skill, ability or other characteristic. For placement/selection purposes only those approved in writing by the Personnel Officer may be used. (See MAOP, Part 1, 7-4.3.)

(51) TRAINING AND EXPERIENCE EVALUATION: A method of evaluating candidates based on their past training, education and experience.

(52) VACANCY ANNOUNCEMENT: The written or electronic document used to notify potential applicants of a position to be filled by competitive procedures.

(53) VETERANS' PREFERENCE: A statutory entitlement provided to former members of the Armed Forces who served on active duty during certain specified periods of time, became disabled, or served in military campaigns. Preference eligibles must meet minimum qualifications for the position before they may be afforded the additional points associated with their veterans' preference category. These candidates are entitled to preference over others when a competitive service or excepted service agency in the executive branch is hiring from an All-Source Certificate.

(54) VETERANS' PREFERENCE CATEGORY: There are four categories of preference, designated by the following shorthand letters and points: CPS - 10 points, CP - 10 points, XP - 10

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points, TP - 5 points. Veterans' preference points are added to all-source candidates' converted scores prior to ranking the candidates on the All-Source Certificate. Nonpreference eligibles are designated by the shorthand letters, NV. Nonpreference eligibles do not receive additional points.

7-3 RESPONSIBILITIES

(1) PERSONNEL OFFICER is responsible personally and/or through members of his/her staff for:

- (a) designing and developing the policies and procedures for selection, promotion and placement in accordance with merit system principles;
- (b) approving/disapproving all support employee selection, promotion and placement actions;
- (c) informing employees by means of official communications of the merit promotion and placement policies and procedures;
- (d) implementing and enforcing the Merit Promotion and Placement Plan policies and procedures to ensure their full and equitable application to all affected employees and positions;
- (e) providing technical assistance, advice, and guidance to management officials, supervisors and operating employees on all selection, promotion and placement matters;
- (f) locating and referring eligible and qualified candidates to the Selecting Official on a timely basis;
- (g) maintaining records reflecting decisions on selection, promotion and placement actions as detailed in this section;
- (h) responding to appropriate grievances, that have not been resolved through informal means, from employees concerning an act or occurrence of a selection, promotion or placement action covered under the Merit Promotion and Placement Plan;
- (i) suspending merit procedures to address unusual staffing circumstances when warranted to fulfill FBI mission requirements;
- (j) approving use of any tests as a measure for selection.

(2) SELECTING OFFICIAL is responsible for applying merit system principles and equal employment opportunities in filling all positions. He/She is to comply with and ensure that all applicable laws, regulations, and procedures, as outlined in this plan, are followed with regard to the selection, promotion and placement actions he/she recommends.

(3) SUPERVISORS and MANAGERS are required to recuse themselves from advocating a relative for appointment, employment, promotion, or advancement to a position over which they exercise jurisdiction or control, and from participating in the selection process if a relative is under consideration, as specified in Title 5, Code of Federal Regulations (CFR), Part 310, Subpart A.

(a) Relative means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister.

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(b) Supervisors and managers should also recuse themselves from involvement in personnel actions where there may be a perception of favoritism or bias, e.g., adjudicating a grievance or recommending a promotion for a close personal friend, etc.

(4) EQUAL EMPLOYMENT OPPORTUNITY (EEO) OFFICIAL serves as a source of information for all employees, managers, and supervisors. In the event a nonselected candidate perceives that the selection, promotion or placement action was made with regard to race, color, religion, national origin, sex, sexual orientation, age, parental status, disability (mental or physical), or reprisal, the Office of Equal Employment Opportunity Affairs (OEEOA) would pursue his/her concerns. Additionally, in the event the applicant or employee requires a reasonable accommodation for a physical/mental disability, the OEEOA would be responsible for coordinating this process for approval of the Personnel Officer.

(5) EMPLOYEES are responsible for:

(a) demonstrating that they have the knowledge, skills, abilities and other characteristics necessary to qualify for positions for which they desire consideration; and

(b) submitting the required completed forms within the time frames indicated when applying for vacancies.

7-4 FACTORS AFFECTING ALL STAFFING ACTIONS

Certain factors, such as performance, service time, tests and formal recommendations apply to both noncompetitive and competitive staffing actions, except those that are effected as a reasonable accommodation for a person with a disability.

7-4.1 Performance Appraisal (Formerly 7-7.2.3.)

An employee must possess at least a Fully Successful (this rating will, over time, phase out) or Meets Expectations rating in each critical element of his/her most recent Performance Appraisal Report (PAR) in order to be considered for promotion or a change to lower grade/reassignment to a position offering promotion potential. If an employee has had insufficient time on duty to have received an official PAR, the employee's supervisor must certify that the employee's current performance is consistent with the criteria included in performance standards for the Meets Expectations level.

7-4.1.1 Deleted

7-4.2 Service Time Requirement Following Appointment

A newly appointed employee must have 90 calendar days of federal service in order to be eligible for his/her first promotion.

7-4.3 Tests (Formerly 7-7.2.4.) (See also MAOP, Part 1, 7-2 (50) and 7-6.3.1.)

Any written, performance or work simulation test or exercise considered for use in the selection process for either competitive or noncompetitive procedures, including career ladder promotions, must be approved by the Personnel Officer or his/her designee.

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7-4.4 Formal Recommendations (Formerly 7-10.)

A personnel action of promotion, reassignment, reappointment, change to lower grade, or position change may be transmitted to the Personnel Officer or his/her designee for review and approval by electronic submission of an SF-52, Request for Personnel Action, form through the Bureau Personnel Management System (BPMS). If the request is a noncompetitive action, the reason(s) for same should be indicated. A personnel action is considered final only upon approval of the SF-52 by the Personnel Officer or his/her designated representative.

7-5 NONCOMPETITIVE STAFFING ACTIONS (Formerly 7-4.2.) (See also MAOP, Part 1, 7-6.)

The actions shown below do not require competitive staffing procedures:

- (1) A promotion resulting from an employee's position being reclassified at a higher grade because of additional duties and responsibilities. (The addition of supervisory duties to a nonsupervisory position may result in the establishment of a different position rather than an upgrading. The filling of that new position would require competitive procedures.)
- (2) A promotion resulting from the upgrading of a position without significant change in duties and responsibilities due to the issuance of a new classification standard or the correction of a classification error.
- (3) A position change permitted by reduction-in-force (RIF) regulations.
- (4) A temporary promotion for 120 days or less.
- (5) A reassignment or position change with no greater career ladder advancement potential.
- (6) A reassignment or promotion to a clerical position (up to and including grade level GS-8), with or without greater promotion potential, following two unsuccessful attempts to fill that position within a six-month period.
- (7) A career ladder promotion where an employee advances to the full level of the position to which he or she is appointed or assigned.
- (8) Placement of individuals having statutory, regulatory, or administrative reemployment rights, or to whom a like employment obligation exists (e.g., return of employees from military service, EEO settlements, etc.).
- (9) A reassignment or position change as a reasonable accommodation to an employee's mental and/or physical disability.
- (10) A promotion, reassignment or position change made as a result of the suspension of merit procedures by the Personnel Officer to address unusual staffing circumstances.
- (11) The noncompetitive appointment of current or former federal employees to a vacant FBI position for which they are qualified, regardless of whether they have served in the same series of the position. The individual eligible for this type of appointment must currently serve in or have served in the grade of the position to be filled and the promotion potential of the vacant FBI position must be no greater than the highest promotion potential ever held.

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7-5.1 Career Ladder Promotions (Formerly 7-5.)

(1) A career ladder indicates the grade levels through which an employee may advance to the full level of the position to which he or she is appointed or assigned. Initial assignment to a grade level above entry level is possible based on an individual's qualifications for the particular occupation at the higher grade level.

(2) After having entered a career ladder, an employee may advance to each grade through noncompetitive promotion; however, such promotions are not a right, nor should advancement opportunities through a normal career ladder pattern be construed as a guarantee of promotion. Advancement within a career ladder is dependent upon:

- (a) management recommendation;
- (b) the availability and assignment of progressively more difficult duties and responsibilities;
- (c) demonstrated possession of the essential KSAOs for the higher grade level position;
- (d) any minimum general or specialized experience requirements; and
- (e) any position limitations.

(3) The evaluation of an employee for a career ladder promotion is based on whether the employee has acquired, usually through on-the-job training and/or experience, the essential KSAOs required for the higher grade level position. The supervisor must determine the essential KSAOs for the higher level position and evaluate, through the employee's work performance, whether the employee possesses the required KSAOs. Supervisors should ensure, to the extent possible, that employees are provided with opportunities at the lower grade level to demonstrate their possession of the essential KSAOs required for promotion to the next level.

7-6 COMPETITIVE SELECTION PROCEDURES (Formerly 7-4.1.)

Competitive selection procedures are used when all eligible, qualified and interested employees must be considered for a position. These procedures are required unless specifically excluded under MAOP, Part 1, 7-5, Noncompetitive Staffing Actions. They include but are not limited to:

- (1) promotion, to include term and promotions lasting more than 120 days, change to lower grade or reassignment to an entry-level position of a career ladder;
- (2) reassignment or change to lower grade to a position with greater promotion potential;
- (3) reassignment, or detail to a position, including relief position where performance of the duties and responsibilities would provide the employee with an opportunity to gain KSAOs that would uniquely qualify them for the position if filled on a permanent basis.

7-6.1 Determining Job Requirements

Before any effort is made to fill a position, essential job-related requirements must be identified. These job-related requirements are categorized as minimum qualifications, rating factors and working conditions.

7-6.1.1 Minimum Qualifications (Formerly in 7-6.)

(1) The purpose of minimum qualification standards, usually education and/or general and specialized experience, is to identify and eliminate from the selection process those candidates who are clearly not qualified for a position. Only those candidates who meet the education and experience requirements, as appropriate, will be further considered in the selection process.

(2) The Office of Personnel Management's (OPM) "Qualifications Standards for General Schedule Positions," will be used to determine the minimum qualifications for a position, except when they are determined to be inappropriate. If the position requires similar work behaviors and KSAOs to that described or if the standards are consistent with the backgrounds (at the time of selection) of competent employees currently in the job, it is likely that the OPM standard is appropriate. If it is determined that the OPM standards are inappropriate based on the above conditions, the Selecting Official may request a modification or development of new standards by the Personnel Officer. Modifications may also be made by using selective placement factors, with the approval of the Personnel Officer. For example, a position in a particular location may require knowledge of a language other than English. This requirement may not be covered in the minimum qualifications standard, but may be essential to acceptable performance for a job in a particular location.

7-6.1.2 Identifying Rating Factors

(1) Rating factors are those KSAOs that identify the better candidates from a group of individuals at least minimally qualified for a position. Rating factors are needed to help distinguish the most qualified candidates from among a pool containing people with, frequently, a broad range of experiences, education or training and different levels of expertise of the KSAOs. Appropriate rating factors can be determined by a review of an up-to-date position description; interviews with subject-matter experts, supervisors or clients; and manuals, logs or training materials. KSAOs that can be learned within a reasonable period of time after assuming the duties of the position and those that cannot be effectively measured are not appropriate for use in the selection process and should be eliminated.

(2) Once essential KSAOs are identified, the best method to measure them must be determined. These methods can include a written, performance, or work simulation test or exercise, and/or an evaluation of training and experience and/or a structured interview. If a written, performance or work simulation test or exercise is used to measure essential KSAOs, ensure that approval of the Personnel Officer is received before incorporating it into the selection process. For the majority of competitive selections an evaluation of training and experience and/or a structured interview should be used. These measures are designed to obtain information concerning a candidate's past experiences that indicates whether he/she would be successful at future similar experiences.

(3) If all KSAOs identified for selection cannot be measured by either a written, performance, or work simulation test or exercise and/or an evaluation of training and experience, an interview is necessary. The KSAOs measured in the interview should generally be different from those KSAOs that are being measured by the other procedures. However, it may be desirable to assign greater weight to a particular KSAO for a given position, and to measure the KSAO in multiple ways in order to get a more complete assessment of an individual's skill level. Whatever measures are to be

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used must be decided before the vacancy is advertised and those same KSAOs must be used through final selection.

(4) KSAOs selected to be measured for the training and experience procedure should be those that can be demonstrated by specific achievements, experience, or training. For example, "planning" is a KSAO that can be described in terms of a specific accomplishment. "Analytical ability" on the other hand, is very broad and abstract and it may be difficult to describe a specific accomplishment related to this type of KSAO.

(5) KSAOs to be measured by the interview should be those that can elicit specific, detailed, or up-to-date information from the candidate. Also, KSAOs such as oral communication, and verbal comprehension can be best observed and measured during the interview.

7-6.1.3 Working Conditions

Any unusual conditions that are essential for successful performance and are beyond what is normally required of most employees should be identified. Such things as frequent travel, odd working hours, physical demands, hazardous duties or environment are all conditions of employment that should be described in the position description and these conditions should be made known to prospective candidates. Only those candidates willing to work under the identified conditions, with or without reasonable accommodation, will be further considered in the selection process.

7-6.2 Qualified Candidates (Formerly 7-4.1.1.)

(1) A pool of qualified candidates may be composed of:

(a) federal candidates (individuals currently employed by the federal government or who are eligible for reinstatement); and/or

(b) all-source candidates (any individual, usually individuals not employed by the federal government, such as private sector employees and students).

(2) Federal candidates (FBI and other federal employees) are considered for vacant positions under the merit procedures outlined in this plan.

(3) All-source candidates may be evaluated in a similar fashion as federal candidates, with the provision that veterans' preference points must be given to candidates who claim such preference.

7-6.2.1 Area of Consideration (AOC) (Formerly in 7-4.1.1.)

(1) The AOC must provide the Selecting Official with a choice from among a reasonable number of qualified candidates. Since the area of consideration determines who will be considered for competitive selection, it is important that it be broad enough to uphold basic merit principles of open competition, equal opportunity, and identification of the best qualified candidate(s). The area of consideration may not be established in such a way that it gives unwarranted consideration to a particular individual or group, nor may it be expanded solely to recruit members of a particular group. Only applicants within the AOC may be considered for selection.

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(2) Limited vs. Expanded AOC: Each division/office, with the concurrence of the Personnel Officer as necessary, will establish the AOC based on its funded staffing level (FSL) and any overhire authority for the vacancy. A separate determination must be made whether or not to pay relocation expenses. This decision will be authorized by the Personnel Officer based on the needs of the FBI, the adequacy of the candidate pool within the local commuting area, and the availability of transfer funds. Selectees who reside within the local commuting area (usually a 50-mile radius) are not eligible for relocation expenses.

(a) Limited AOC: Division Only

The AOC may be limited to the division/office with the vacancy when the division/office is at or above its FSL and does not have overhire authority for the vacancy. Only FBI candidates assigned to the division with the vacancy will be considered. Even when divisions share a local commuting area, such as FBIHQ divisions or Newark/New York divisions, only candidates from the division with the vacancy will be considered. Division management has the option of further limiting the AOC to those division employees who work within the local commuting area of the vacancy. No relocation expenses will be paid by the FBI.

(b) Expanded AOC: FBI, other federal and/or all- source applicants

The AOC may be expanded when division/office is under its FSL or has overhire authority for the vacancy and recruiting within the division/office is unlikely to produce an adequate pool of candidates. The division/office has three options in defining an expanded AOC:

1. FBI employees only. This choice should be made when it is likely that recruiting among on-board FBI employees will produce an adequate pool of qualified candidates.
2. All federal candidates (FBI and other federal employees). This choice should be made when it is likely that recruiting among all federal employees will be necessary to produce an adequate pool of qualified candidates.
3. All sources: all federal (FBI and other federal employees) and nonfederal candidates. This choice should be made only when it is expected that recruiting among the general population will be necessary to produce an adequate pool of qualified candidates. Typically this will occur when the vacancy to be filled is in a highly specialized or competitive field.

The decision whether or not to pay relocation expenses will be authorized by the Personnel Officer based on the needs of the FBI, the adequacy of the candidate pool within the local commuting area, and the availability of transfer funds.

7-6.2.2 Vacancy Announcements (Formerly in 7-4.1.1.)

(1) Vacancy announcements are the means by which potential applicants are notified of the position vacancy and may be in written or electronic format. These announcements must contain title, grade, series, and duties of the position; the location at which the position will serve; working hours; promotional opportunities; area of consideration; minimum qualification standards; written, performance or work simulation test or exercise to be administered; KSAOs that the applicant must respond to in the application; unusual working conditions; application process; including the opening and closing dates of the announcement; and an explicit statement regarding equal

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employment opportunity and that candidate(s) may request a reasonable accommodation due to physical and/or mental disability.

(2) The vacancy announcement must state whether or not relocation expenses will be paid by the FBI and any restrictions on payment (e.g., only those selectees who reside outside the local commuting area will be eligible for relocation expenses).

(3) The vacancy announcement must state if the position is a temporary or term position and, if so, the expected time limit (not-to-exceed date), and the provisions for return of the employee to a permanent position at the end of this assignment. If applicable, the announcement should also state that the position may be made permanent without further competition.

(4) If the AOC is expanded to include applicants outside of the FBI who are current employees of the federal government or former employees of the federal government with reinstatement eligibility, the vacancy announcement must have a statement requiring the applicant to submit a copy of his or her most current Notification of Personnel Action, SF-50, and a copy of his or her most current performance appraisal.

(5) If the AOC is expanded to include all-source applicants, the vacancy announcement must have a statement about veterans' preference. Veterans claiming preference must submit a copy of their Certificate of Release or Discharge from Active Duty, DD-214. Veterans on active duty at the time of application may submit a letter from his/her commanding officer or military personnel office stating his/her dates of service, rank, campaign badges or medals awarded, type of separation he/she will receive, and projected character of service (e.g., honorable, general). Veterans, spouses, widows, widowers, or mothers of veterans claiming 10-point preference must also, in addition to the DD-214, submit an Application for 10-point Veteran Preference, SF-15, and the documentation required by the form.

All-sources announcements must include a statement that current federal employees and former federal employees with reinstatement eligibility who wish to be considered as both federal and all-source applicants must indicate this on their applications.

(6) The standard period of time a vacancy announcement will be posted is ten (10) workdays; the minimum period is five (5) workdays. The appropriate length of time for the announcement to remain open is dependent on the likely size of the applicant pool and the urgency of the need to fill the vacancy. Hard-to-fill positions may be posted indefinitely with pre-established application cut-off periods. Approval of the Chief of the Staffing Unit must be obtained prior to posting a vacancy announcement that deviates from this policy. Closing dates for the submission of applications will be strictly followed.

(7) Vacancy announcements must be uploaded into the division's file in the FBI's Automated Case Support (ACS) system within one day of the opening date of the posting. Vacancy announcements for positions open to applicants outside the FBI (i.e., other federal and/or all-source applicants) must be posted on the OPM's website, USAJobs, by FBIHQ human resources personnel.

(8) To ensure that all applicants for employment and advancement receive fair and equitable consideration, it is important to consistently adhere to published requirements (e.g., minimum qualifications, KSAs, opening and closing dates). Changes made to significant portions of the

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announcement after it has opened must be published in the form of an amended vacancy announcement.

(9) All applicants must meet specialized experience requirements within 30 days of the closing date of the announcement. Copies of relevant documents, such as SF-50s, DD-214s, college transcripts, performance appraisals, and/or any additional required documentation must be received in the Staffing Unit by the closing date of the announcement. (Official college transcripts may be required before final approval of selection.) Applications for which all required documentation is not received by the closing date of the announcement will not receive further consideration, except in unusual circumstances.

7-6.3 Measuring Rating Factors (See MAOP, Part 1, 7-6.4.)

Qualified candidates are to be evaluated in accordance with their relative demonstration of possession of the KSAOs for a position. To determine the extent to which the candidates possess the KSAOs, the selection process uses a combination of a training and experience evaluation, a structured interview, and/or written, performance or work simulation tests or exercises. Unless specific measures have been approved and mandated for use by the Personnel Officer to fill a specific position, it is the responsibility of the Selecting Official to determine which measures will be appropriate for each selection by following the guidance in this plan. When federal and all-source candidates are being considered for a position, care must be taken to ensure that all are evaluated according to the same measures.

7-6.3.1 Tests (Formerly 7-7.2.4.) (See also MAOP, Part 1, 7-4.3.)

Only written, performance or work simulation tests or exercises previously approved by the Personnel Officer may be used as part of the selection procedures for a position. Approved tests include the following:

- (1) The official FBI typing performance test must be used to measure typing speed and accuracy for positions that require a qualified typist, including positions with parenthetical "Typing" or "Data Transcriber" in the official title.
- (2) The Police Officer Selection System must be used to measure specific KSAOs for the Police Officer position. (3) The Clerical Selection Battery (CSB) must be used to measure specific KSAOs of all-source candidates for specific clerical positions.
- (4) Language aptitude and/or ability tests must be used for the Language Specialist position(s).

As positions change in terms of duties and responsibilities or as studies are completed for existing positions, new assessment tools will be approved for use and appropriate publicity afforded. Once approved by the Personnel Officer and disseminated, the use of specific assessment tools is generally mandatory.

7-6.3.2 Training and Experience (Formerly 7-7.2.1.)

(1) The training and experience measure is a self-reported description of accomplishments relevant to KSAOs required for a job. Typically, the information provided by the candidate focuses on training, education and prior work experience.

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(2) To evaluate the information provided on the applications, a crediting plan must be developed before the position is posted. The crediting plan may be generic or job specific. The candidate must meet all the requirements for a level to receive the associated points on the generic crediting plan listed below:

OUTSTANDING - 5 points

Candidate has performed the duties of this position requiring this KSA (e.g., through temporary promotion or detail), or has had advanced education/training directly related to this KSA. Experience, education and training indicate he/she can perform the functions of this position requiring this KSA immediately, with only minimum indoctrination.

ACCEPTABLE - 3 points

Candidate has performed duties related to the duties of this position requiring this KSA or has had education/training in a field generally related to this KSA. Experience, education and training indicate he/she shows potential to perform the functions of this position requiring this KSA after acquiring additional formal education/training or more than six months of on-the-job experience.

LIMITED - 1 point

Candidate has performed duties generally related to the duties of this position requiring this KSA but evidence reflects this performance is at an apprentice/trainee level; education/training reflects the ability to learn aspects of this KSA. Experience, education and training indicate he/she would require extensive formal education/training or on-the-job experience to acquire full possession of this KSA.

UNACCEPTABLE - 0 points

Fails to meet the Limited level.

(3) A job specific crediting plan is accomplished by describing education, training and experience examples for each KSAO at different levels, i.e., Outstanding, Acceptable, Limited, and Unsatisfactory. For example, if a position requires that candidate(s) demonstrate an "ability to use regulatory material," the crediting plan might include general definitions for the levels of performance such as:

Outstanding - 5 points INTERPRETS regulatory material;

Acceptable - 3 points APPLIES regulatory material;

Limited - 1 point COLLECTS regulatory material; and

Unsatisfactory - 0 points DOES NOT USE regulatory material.

Each KSAO in the application is evaluated by comparing the past education, training, and experience of the candidate with the crediting plan and assigning a rating. A crediting plan ensures that each candidate is evaluated consistently against the same education, training and experience examples.

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7-6.3.3 Interview (Formerly 7-7.2.5.)

(1) The interview measure is a structured means of orally collecting information concerning a candidate's possession of knowledge, skills, abilities or other characteristics needed for acceptable job performance. The interview focuses on what the candidate has done in the past that can be used to predict his or her future behavior. There are four general types of interview questions:

(a) TRAINING AND EDUCATION questions assess the KSAOs by probing an individual's training or educational background and are used primarily to solicit information regarding the relevance of the applicant's training or education to the position.

(b) JOB KNOWLEDGE questions focus on an individual's knowledge of one or more job-related areas. This type of question is most useful to assess the specific knowledge level that is required for the job, ensure the applicant understands and is knowledgeable about a specific topic, and to obtain information about an applicant's knowledge of current technology, state-of-the-art methods, etc.

(c) EXPERIENCE questions are asked to solicit KSAO information from the job experiences an individual has had.

(d) PERSONAL CHARACTERISTICS questions assess KSAOs, such as interpersonal skills, that do not fit in other categories such as interpersonal skills. These questions are tailored to solicit performances in work and nonwork situations to demonstrate examples of specific KSAOs.

(2) The interview must be structured in terms of the behaviors and responses to be observed, the evaluation standards to be applied, and the procedures for conducting the interview session. The interview should be structured so that information to be obtained is well defined. Interviewers must take special care to record responses in a consistent manner and not ask questions which violate equal employment opportunity laws or protections offered under the Rehabilitation Act and the Age Discrimination in Employment Act.

(3) Each interview question must be designed to obtain useful information to allow for a measurement of a specific KSAO required for selection. The questions should be geared to obtain the same depth, scope and kinds of information from each candidate. A crediting plan must be established for each interview question at different levels, i.e., Outstanding, Acceptable, and Limited. The crediting plan must be developed at the same time as the questions are developed and in advance of the actual interview and serves as a gauge by which a candidate is compared and evaluated. Each candidate must be evaluated on his/her responses to the interview questions. Additional follow-up questions may be asked until the interviewer(s) has obtained enough information to rate the response to the question.

(4) When an interview is part of the selection procedures, the top scorers from the training and evaluation and/or test measure(s) may be selected for interview. The interviewer, or each career board member, must record the responses to the questions and rate the response by using the standards previously developed for the position. Responses should be rated immediately following each interview. If the interview is conducted by the career board, the responses must be rated independently and then discussed to reach a consensus rating. If a consensus is not possible, the scores may be averaged to determine the candidate's final score for the interview. The career board members are responsible for recording their ratings and the reasons for same.

7-6.4 Selection Process

For some positions, e.g., Police Officer and Language Specialist, set procedures are specifically defined by the Personnel Officer and must be followed as published. For all other positions covered by this policy, the following steps are to be taken. At the first stage, applicants must be screened to determine if they meet minimum qualifications. Next the rating factors are evaluated through the selection tools described in MAOP, Part 1, 7-6.3. Candidates are then grouped according to the scores achieved (and in the case of all-source candidates, by veterans' preference category). A selection is made, and a request for approval of that selection is forwarded to the Personnel Officer. These stages are accomplished by a Career Board, Qualifications Review Board (QRB), or Selecting Official, depending on the position to be filled, as described below.

7-6.4.1 Selecting Official (Formerly 7-7.1.2.)

The Selecting Official is responsible for ensuring that the competitive process is conducted in accordance with merit principles. The Selecting Official is generally encouraged to use a career board and/or Qualifications Review Board to perform a part of the selection process, for the reasons described below, but may choose to complete the rating process personally where the circumstances warrant. However the process is completed, the selection recommendation must be made by the Selecting Official and then be reviewed and approved by the Personnel Officer.

7-6.4.2 Career Boards and Qualifications Review Boards (Formerly in 7-7.1.1 and 7-7.1.3.)

A career board and/or Qualifications Review Board (QRB) is a group of three to five individuals formed to evaluate and rate candidates' KSAOs. For most competitive selections, a career board or QRB provides credibility to the fairness and impartiality of the selection process. A career board provides a panel assessment of the candidates' overall qualifications, offering the Selecting Official the benefit of a group of subject matter experts; a QRB provides in-depth assessment of the technical qualifications of candidates for professional and/or technical positions. The Selecting Official may choose to use either, both, or neither, depending on the nature of the position being filled. Neither a career board nor a QRB is required for competitive actions if the Selecting Official can ensure fair and impartial selection decisions without same.

All career board and QRB deliberations must be recorded and maintained as part of the selection file. Someone trained in staffing procedures may serve as an advisor to the career board or QRB.

(1) CAREER BOARD: The Selecting Official is responsible for convening the members of the career board. This board is composed of experienced support and/or Special Agent personnel who are familiar with the qualifications required for the position. Career board members are to be selected carefully and trained in evaluation procedures. Every career board member and nonvoting observer should be at least one grade higher than the position unless it is documented by a signed statement from the individual that he/she will not be in competition for the position. In this case, the member can be the same grade. The career board should include minority representation, whenever possible, either as a voting member(s) or as a nonvoting observer(s). The Selecting Official must not be a voting member. In offices where circumstances may cause bias to be

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introduced or perceived in the process, a career board composed of employees from other offices may be formed.

Prior to any career board deliberations of individual candidates, career board members must be familiar with the merit principles contained in this plan, the KSAOs of the position and how they are being measured, and the crediting plan and how it is to be applied in the specific evaluation. Once evaluations have started, no changes to the membership of the career board can be made, unless an exception is requested from and approved by the Staffing Unit, Administrative Services Division.

(2) **QUALIFICATIONS REVIEW BOARD (QRB):** A QRB evaluates only the technical qualifications of the candidates for professional and/or technical positions. A QRB is composed of individuals who are expert in, or have significant knowledge of, the discipline or occupational category of the position being filled. This is normally used for professional and/or technical positions. QRB members must be familiar with the qualifications required for the vacant position and the provisions of the Merit Promotion and Placement Plan. Members are to be at least one grade higher than the vacant position, unless it is documented that the member will not be in competition for the position, then he/she may be the same grade. QRB members are to be selected carefully and trained in evaluation procedures. The results of the QRB process are forwarded to the Selecting Official who may make a selection decision at that point or may convene a career board to complete the evaluation process if he/she determines that additional assessment is necessary.

7-6.4.3 Selection of Candidate(s) (Formerly in 7-6.4.4, 7-6.4.5, and 7-7)

(1) Following initial screening, all applications and answers to KSAs must be evaluated by using the crediting plan developed for the position. If this responsibility has been delegated to a career board or QRB, evaluations must be made independently by each member and then discussed at the career board/QRB meeting to reach a consensus rating. If a consensus is not possible, the scores may be averaged to determine the candidate's final score for the interview. When the vacant position(s) does not require KSAs, the selection process will be based on testing and interview scores.

(2) For federal candidates, the following procedures should be used to develop a group of best qualified candidates.

(a) When an interview is part of the selection procedures, the top scorers from the above measure(s) may be selected for interview. The interviewer, or each career board member, must record the responses to the questions and rate the response by using the standards previously developed for the position. Responses should be rated immediately following each interview. If the interview is conducted by the career board, the responses must be rated independently and then discussed to reach a consensus rating. If a consensus is not possible, the scores may be averaged to determine the candidate's final score for the interview. The career board members are responsible for recording their ratings and the reasons for same.

(b) A "best qualified" group of federal candidates is reached when all measures have been completed (i.e., training and experience evaluation and/or interview). Scores from each measure should be combined to obtain a final score. The "best qualified" group consists of those candidates

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whose scores are significantly higher than the majority of the candidates, and who are, for all intents and purposes, equally well qualified.

(3) For all-source candidates, an All-Source Certificate is developed rather than a "best qualified" group. There are two options for establishing the Certificate:

(a) Conduct interviews of ALL minimally-qualified candidates so that the combined interview and KSA scores and veterans' preference category will be used to establish the All-Source Certificate;
OR

(b) Select candidates based on KSA scores and veterans' preference category, with no interview (e.g., when the number of candidates makes interviewing all minimally qualified candidates unreasonable). When this option is chosen, the Selecting Official may then interview the three highest-ranked candidates (Rule of 3) to assist in making a selection decision, if desired.

(4) Only certified human resource personnel can adjudicate veterans' preference and construct an All-Source Certificate. The Selecting Official must advise the designated human resource representative of his/her preference from (3)(a) or (3)(b), above. The designated representative will then adjudicate veterans' preference and provide the selecting official with the top three candidates for selection (Rule of 3).

(a) Evaluation scores used to establish an All-Source Certificate (KSA or KSA/interview) must be converted to a 100-point scale.

(b) Candidates are placed on the All-Source Certificate according to their veterans' preference category and final scores, as specified in Title 5, Code of Federal Regulations (CFR), Part 302, Subpart C. Any deviation from the above procedures for all-source candidates must be approved by the Personnel Officer and documented in accordance with Title 5, CFR, Part 302.

(5) The Selecting Official may choose any candidate from the list of best qualified federal candidates, inasmuch as these candidates are determined to be, for all intents and purposes, equally well qualified or the Selecting Official may select from among the Rule of 3 (all-source candidates) in accordance with Title 5, CFR, Part 302.401. Neither the federal list nor the All-Source Certificate has preference; the Selecting Official may choose from either. If there are multiple vacancies, the Selecting Official may select from either or both lists.

7-6.4.4 Revised and Moved to 7-6.4.3 (Formerly 7-8.)

7-6.4.5 Revised and Moved to 7-6.4.3 (Formerly 7-9.)

7-6.5 Notification of Results (Formerly 7-11.)

(1) The Selecting Official has 45 days from the date the list(s) of minimally qualified candidates was issued to make a selection, unless an extension is requested from and approved by the Staffing Unit, Administrative Services Division.

(2) The vacancy announcement may be canceled at any time by the Selecting Official, who is then responsible for submitting appropriate documentation to the Personnel Officer as to the reason(s).

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(3) Additional selections may be made from a properly established best qualified list or All-Source Certificate within 90 days of the date the original minimally qualified list was issued, provided the positions to be filled have the same title, series and grade, are in the same area of consideration as the position announced, and the qualification requirements are the same.

(4) Following selection of a candidate for a position and approval by the Personnel Officer, the results must be communicated by an official communication announcing the selection which is uploaded into the division's file in the FBI's Automated Case Support (ACS) system. A decision not to make a selection must be communicated through the same mechanism. Subject to the direction of the head of office, this information may also be posted on a centrally located office bulletin board.

(5) Any candidate shall, upon specific request, be advised whether he or she met the minimum qualification standards for the position. When not otherwise prohibited, the candidate may be provided with his/her total score on each measure but may not be informed of specific ratings or scores received by other candidates, or permitted to review the crediting plans, interview questions or any testing materials.

7-6.6 Release of Candidates (Formerly 7-12.)

(1) Any FBI candidate selected as a result of a competitive staffing action must be released from his/her current position on a timely basis. Personnel actions will be effective the date the employee reports to his/her new assignment except when the personnel action results in a change of pay, in which case the effective date must coincide with the beginning of a pay period.

(a) If the new assignment is within the selected candidate's local commuting area and includes a promotion, the candidate must report to his/her new assignment within two weeks following the approval of his/her selection by the Personnel Officer (or designee).

(b) If the new assignment is within the selected candidate's local commuting area and does not include a promotion, the candidate must report to his/her new assignment within 30 days following the approval of his/her selection by the Personnel Officer (or designee).

(c) If the new assignment requires that the candidate relocate to a different commuting area, the employee has 90 days in which to report to the new duty station from the date of his/her transfer letter. Where possible, the report date should coincide with the beginning of a pay period.

(d) Employees may be released to perform the duties of the new position prior to receiving official approval by the Personnel Officer; however, the selected individual must be advised that permanent assignment is contingent upon obtaining this final approval.

(e) Selecting Officials may need to coordinate a return of the employee for a minimal period after the action is effective to complete an unfinished project or other critical work.

(2) The official request for the release of an employee selected to fill a vacancy at FBIHQ and/or the selection of a candidate from outside the FBI will be made only by the Personnel Officer or his/her designated representative.

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**7-6.7 Maintenance of Records and Privacy Safeguards (Formerly 7-13.1 and 7-13.2)
(See MAOP, Part 1, 22-5.3 (5) and 22-5.6 (15)(d); Part 2, 2-4.5.23 (27).)**

Selection files must be maintained in such a manner that all steps of the staffing action can be reconstructed. Each field office and FBIHQ division will be responsible for the maintenance of its selection files, which must be secured in a location(s) with limited access. The location and eligibility for access is to be determined by the division/office head. Selection records must be safeguarded and released only to authorized persons, such as the head of office/division, EEO investigator, or Inspector. A release form must be completed indicating that the original selection file is being provided and must be returned to that location. The selection file may be destroyed five (5) years after Personnel Officer approval of the final selection by the Selecting Official, or after final adjudication of any litigation, whichever is later. Any electronic copies of the selection documentation that are created on electronic mail and word processing systems, and used solely to generate a recordkeeping copy for the actual selection file, may be destroyed within 60 days after the recordkeeping copy has been produced. All time limits for filing of a grievance, complaint, or appeal must have expired prior to destruction. Any selection file which is the subject of litigation will be retained for the purposes of litigation, regardless of the length of time. Contents of the selection file must include:

- (1) A copy of the vacancy announcement.
- (2) Names of all applicants and the applications received from each.
- (3) Names of candidates who met minimum qualifications.
- (4) Copies of all best-qualified lists and All-Source Certificates generated for the Selecting Official, including which candidates received veterans' preference points.
- (5) Results of any written, performance or work simulation test or exercise.
- (6) Training and experience crediting plan, signed evaluations, and the score given on each rating factor for each candidate.
- (7) If an interview is used, names of candidates who were selected for same.
- (8) Interview questions, crediting plan, notes of Selecting Official or career board members, signed evaluations, and the score given for each candidate.
- (9) Names, titles and grades of all individuals involved in evaluation of candidates' qualifications; information on any non-voting members/observers; and a statement from any member/observer who is the same grade as the vacancy that he/she will not compete for this position in the near future.
- (10) Any document formalizing selection (i.e., copy of SF-52 or other formal memoranda).
- (11) A copy of the communication that was uploaded into ACS announcing the selection results and copies, if any, of communications sent to advise those candidates not selected.
- (12) Recordings of all career board and Qualifications Review Board (QRB) deliberations, clearly labeled with the date, position, and vacancy number.

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7-7 GRIEVANCE PROCEDURES (Formerly 7-14.) (See also MAOP, Part 1, 14-7.)

(1) The FBI's policy is to administer a personnel program that promotes good employee/management relationships. The success of any organization depends on the confidence of its employees that their questions, concerns or dissatisfactions will receive a timely and constructive response, as well as fair and equal treatment. This section defines certain responsibilities regarding the grievance process with regard to actions covered by the Merit Promotion and Placement Plan and sets forth employee rights in that process.

(2) An employee who believes that merit principles as set forth in this plan have not been followed has a right to present a grievance to the appropriate management official(s) for prompt and equitable consideration, with freedom from restraint and without fear of reprisal, coercion, or interference. The employee should discuss with the Selecting Official any matter of concern or dissatisfaction regarding a particular selection action and should attempt to resolve the problem(s) prior to filing a grievance. This informal resolution step should be followed prior to submission of a grievance to the Personnel Officer.

(3) The Selecting Officials should ascertain all pertinent information bearing upon each grievance or potential grievance being brought to his/her attention.

(4) There are certain matters which are not appropriate for the grievance procedure. The following matters are EXCLUDED from this procedure:

(a) nonselection for promotion or reassignment from a group of candidates deemed best qualified in accordance with the procedures described within this plan;

(b) failure to receive a noncompetitive promotion;

(c) an action at the expiration of a temporary or time-limited promotion which returns an employee to his/her former position at the former grade, or to a different position of equivalent grade and pay, from which the employee was temporarily promoted; and

(d) an action taken in accordance with the terms of a formal agreement voluntarily entered into by an employee, such as the assignment of an employee from one geographical location to another.

(5) A grievance concerning a particular act or occurrence should be presented in writing not later than 15 calendar days after the date of the act or occurrence, or not later than 15 calendar days after the date on which the employee learned of the act or occurrence. Within the FBI, such grievances are to be submitted only to the Personnel Officer. The Personnel Officer will determine the appropriate organizational level for resolution.

(6) Provisions for redress are also available through the Equal Employment Opportunity (EEO) complaint system for employees who believe they have been discriminated against on the basis of race, color, religion, sex, sexual orientation, parental status, national origin, age, physical or mental disability, or reprisal. However, the employee must contact an EEO Counselor within 45 calendar days of the action in question if he or she believes the action is a result of discrimination on any of the foregoing bases. Failure to contact an EEO Counselor within 45 calendar days of the alleged discriminatory action will result in forfeiture of the complainant's right to pursue a claim of discrimination.

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7-7.1 Priority Consideration

(1) Priority consideration will be given to employees who failed to receive proper consideration in a competitive action. If it is determined that an employee was improperly denied inclusion on a referral list of qualified candidates under the Merit Promotion and Placement Plan, or was not selected solely because of nonmerit factors, the employee will be afforded one priority consideration for the next appropriate vacancy. The "next appropriate" vacancy is defined as one which meets all of the following conditions:

(a) A similar type of position in the same pay system as the position for which the candidate failed to receive proper consideration; and

(b) A position for which the candidate had indicated interest; and

(c) A position for which the candidate is highly qualified.

(2) Priority consideration is given in advance of the referral process and the employee is entitled to consideration but there is no "entitlement" to selection. Employees entitled to priority consideration should continue to apply for all positions for which they desire competitive consideration.

(3) Decisions to grant priority consideration must be approved by or originate with the Personnel Officer.

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7-7.1.1 Revised & Moved to 7-6.4.2

7-7.1.2 Deleted

7-7.1.3 Revised & Moved to 7-6.4.2

7-7.2 Deleted

7-7.2.1 Revised & Moved to 7-6.3.2

7-7.2.2 Deleted

7-7.2.3 Revised & Moved to 7-4.1

7-7.2.4 Revised - See 7-4.3 & 7-6.3.1

7-7.2.5 Revised & Moved to 7-6.3.3

7-8 REVISED & MOVED TO 7-6.4.4

7-9 REVISED & MOVED TO 7-6.4.5

7-10 REVISED & MOVED TO 7-4.4

7-10.1 Deleted

7-11 REVISED & MOVED TO 7-6.5

7-12 REVISED & MOVED TO 7-6.6

7-13 DELETED

7-13.1 Revised & Moved to 7-6.7

7-13.2 Moved to 7-6.7

7-14 REVISED & MOVED TO 7-7

7-15 DELETED

7-16 DELETED

7-16.1 Deleted

7-16.2 Deleted

7-16.3 Deleted

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7-16.4 Deleted**7-17 DELETED****7-18 TERM PROMOTIONS FOR SUPPORT PERSONNEL**

At management discretion a vacant position may be filled by the term or temporary promotion of a qualified and eligible employee. A term promotion is a promotion of an employee to a higher grade level for a defined period of time to handle a specific assignment, project or duties and responsibilities which can be accomplished within that time frame. Competitive selection procedures must be employed to select an individual for a term promotion. When a position is filled by a term promotion, unless otherwise specified in the announcement which advertised the vacant position, the employee will be returned to his/her permanent grade at the conclusion of the term or, where circumstances warrant to a position above his/her permanent grade level for which he/she is qualified. The duration of a term promotion may be set by a division/office head with the concurrence of the Personnel Officer for any period of time not less than 120 days or more than three years' duration. A term promotion may be extended by the Personnel Officer in one-year increments, for a maximum period, to include extension(s), not to exceed five years.

7-19 TEMPORARY PROMOTIONS FOR SUPPORT PERSONNEL

(1) A temporary promotion is a nonpermanent promotion of an employee to a higher grade position for a specified period of time, not less than 60 days nor more than one year in duration. If the assignment and, therefore, the temporary promotion is expected to equal or exceed 120 days' duration, competitive selection procedures, consistent with the Merit Promotion and Placement Plan for Support and Service Personnel, must be employed. Any posting or advertisement of a temporary promotion must include a statement that a temporary promotion assignment may be ended at any time at the discretion of management. Unless otherwise specified in the announcement which advertised the vacant position, at the conclusion of the temporary promotion the employee must be returned to his/her permanent position or, where circumstances warrant, to a position at or above his/her permanent grade level for which he/she is qualified.

(2) The duration of a temporary promotion may be set by a division/office head with the concurrence of the Personnel Officer for a period of not less than 60 days. Temporary promotions may be extended by the Personnel Officer for an additional period(s) of 60- day increments. The maximum period of a temporary promotion, to include any period of extension(s), will not exceed one year.

7-20 SUPPORT PERSONNEL ASSIGNMENTS TO NONFOREIGN DIVISIONS OUTSIDE THE CONTINENTAL UNITED STATES (CONUS)

(1) Support vacancies at nonforeign divisions outside CONUS are filled as permanent assignments. To be eligible for authorized relocation expenses, the individual selected must agree to remain in the service of the government for a specified period of service not more than three (3) years from the effective date of transfer. If the individual fails to complete at least 12 months of the service agreement, he/she must repay the relocation expenses incurred to transfer the individual to the

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nonforeign assignment. If the individual fails to complete the entire agreed-upon period of service, the individual is also not eligible for return transfer benefits.

(2) If an employee assigned to a nonforeign division desires to transfer to CONUS, the employee has two options:

(a) compete for a position, or

(b) pursue a transfer utilizing established transfer policy, as found in MAOP, Part 1, 11-17.

Transfers to CONUS will not be approved merely based on a request for transfer. If the employee pursues a no-cost transfer, travel and transportation expenses will be allowed, but may not exceed the amount which would have been allowed to return the employee to the old CONUS duty station.

7-21 SUPPORT PERSONNEL ASSIGNMENTS TO LEGAT OFFICES

(1) Support vacancies in Legat offices are filled as temporary assignments, with no time limitation attached to the position or grade. Legat support employees may progress through the career ladder to the GS 10 level with permanent promotions.

(2) All support employees selected for a Legat position are required to sign a statement specifying their agreement to return to their prior position and grade upon completion of the Legat assignment, unless the employee has competed and been selected for another position. This agreement must be signed prior to reporting to the Legat assignment. Support employees reporting for a Legat position will have their previous position encumbered. The vacated position is obligated until the completion of the Legat assignment. This obligated position can only be filled on a temporary basis while the employee serves in the Legat assignment. Upon completion of a Legat assignment, the employee returns to the position and grade held in his/her previous office of assignment, unless the employee has competed and been selected for another position. If the grade the employee returns to is lower than the grade held in the Legat office, Highest Previous Rate (HPR) will be used to set pay.

Legat support employees are eligible to apply for all field office and FBIHQ vacancies.

7-22 INTELLIGENCE ANALYST INTERNAL VACANCY OFFER AND WITHDRAWAL POLICY

(1) Withdrawing from Vacancies: Once a candidate has placed an application into the hiring pool for a job vacancy or canvass, the candidate has thirty (30) days from the closing date of the vacancy or canvass to withdraw from any job posting without a penalty.

After the 30-day period, if the candidate decides to withdraw, he/she will not be able to apply for future vacancies (www.fbijobs.gov or internal canvasses) for 180 days. If the candidate has applied for more than one job vacancy or canvass at the time of withdrawal, he/she will only be withdrawn from the position specified, and **will not** be required to withdraw from all vacancies or canvasses for which they may be a candidate. If the candidate withdraws from more than one (1) vacancy or canvass after the 30-day period, the 180-day penalty will start from the date of the most recent withdrawal.

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A candidate may withdraw from positions by sending an electronic communication (EC) to the Unit Chief (UC), ICMS/IPRU stating the position name, location, and position number.

(2) Accepting/Declining Offers: If a candidate is selected for a position, the candidate has 48 hours to accept or decline the offer via e-mail format to the Staffing Unit, Division point of contact, and IPURU. If the candidate accepts the position, they will be removed from consideration for all other vacancies (locations). If the candidate declines the position, they are still eligible for any position for which they have previously applied and no selection has been made.

If the acceptance or declination of a position is not made within 48 hours, the offer will be rescinded and the candidate will be removed from consideration in other locations. The candidate will be barred from applying for a new position for 180 days.

If a candidate declines all positions he/she applied for, he/she will not be able to apply for future vacancies for one (1) year.

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